

**PALM BEACH COUNTY**

**LAND DEVELOPMENT REGULATION ADVISORY BOARD  
(LDRAB)**

**MINUTES OF MAY 13, 2004 MEETING**

On May 13, 2004 at 2:00 p.m. the Palm Beach County Land Development Regulation Advisory Board (LDRAB) met in the Fourth Floor Conference Room, at 100 Australian Avenue, West Palm Beach, Florida, for their regular meeting:

**A) Call to Order/Convene as the Land Development Advisory Regulation Advisory Board.**

- 1) Roll Call  
Chairman Wes Blackman called the meeting to order at 2:05 p.m.  
Recording Secretary Jane Bilka called the roll.

**Members Present**

David Carpenter  
Barbara Katz  
Barbara Noble  
Stephen Dechert  
Martin Klein  
Rosa Durando  
Larry Fish  
Maurice Jacobson  
Charles Adams  
Wes Blackman  
Frank Palen  
Brian Waxman

**Members Absent**

D.J. Snapp  
John Glidden  
Carmela Starace  
Marvin Manning

Joanne Davis arrived at 2:09

Ron Last and Leonard Tylka arrived at 2:24 pm

Members Present - 15

Members Absent 4

## **COUNTY STAFF PRESENT:**

William Whiteford, Zoning Director  
Jon MacGillis, Zoning Administrator  
Robert T. Buscemi, R.A, Principal Planner  
William Cross, Senior Planner  
Izabela Aurelson, Planner I  
Jane Bilka, Code Revision Secretary  
Lenny Berger, Assistant County Attorney  
Maryann Kwok, Principal Planner, Public Hearing  
Alan Seaman, Senior Planner, Board of Adjustment  
Ron Sullivan, Senior Planner, DRO/Concurrency  
John Pancoast, Senior Planner, Monitoring  
Wendy Hernandez, Senior Site Planner, Arch Review  
Genni Messina, Zoning/Code Site Plan Technician  
A. Roland Holt, Director, Building Division  
Sue Hopfensperger, Training Technician, Building Division  
Isaac Hoyos, Principal Planner, Planning Division,  
Gentry Benjamin, Assistant County Attorney

- 2) Additions, substitutions and deletions
- 3) Motion to adopt agenda
- 4) Adoption of April 8, 2004 LDRAB Minutes

Barbara Katz stated that she is not Vice President, but First Vice President of COBWRA.

Barbara Noble's comments are under Barbara Katz on pages 13. In addition, Barbara Noble is noted as a speaker on page 31 instead of Carmela Starace.

Rosa Durando stated that the reference to the word "comp plan" on page 13, line 17 should be changed to "EAR".

The term Exurban Tier and the Acreage need to be capitalized throughout the document.

The word "section" on page 14, line 9 should read "sector".

The word "ABADE" on page 26, line 7 should read "abate".

Larry Fish stated that the symbols used after his name should read "P.S.M." not "R.L.S."

Motion made by Maury Jacobson and seconded by Charles Adams to approve the minutes of April 8, 2004 prepared by Matthew Naddy of Official Reporting Service with the following corrections:

### **Comments by the Chair**

Chairman Wes Blackman opened the Public Hearing.

William Whiteford, Zoning Director announced that several text amendments relating to the Scripps Project will be formally presented to the Board for review and comments at the June 10, 2004 LDRAB meeting.

William Whiteford outlined and reviewed the Scripps changes as follows:

#### **Scripps Proposed Changes to the Code**

- a) Items affecting the Zoning Division will include zoning use change to a PIPD with some use types changed in the matrix to Permitted or Requested in a PIPD;
- b) Items the assigned to the Planning Division will include a land use change to EDC.
- c) Golf Courses – overnight accommodations. Not classified as density or motel/hotel. Considered Beach Cabana.
- d) The property would not be located within any tier and a Scientific Community Overlay would be established.
- e) There would be new language for work live space and accessory overnight accommodations.

Bill Cross summarized the formatting of the Summary Sheets and highlighted the following:

- a) The footer on each page reflects the type of change.
- b) The Headings in the Title Bar have 3 categories. (1) ULDC Article, Section, Page Number; (2) Code provision; and (3) Reason for Amendment.

There are three types of reasons 1) Amended – Scrivener's error; 2) Relocated; 3) Added Text.

## **B) ULDC Amendments**

### **1) Article 1 – General Provisions**

Bill Cross summarized all glitches in Article 1.

A motion was made by Maurice Jacobson and seconded by Joanne Davis to approve the glitches in Article 1. The motion passed unanimously.

### **2) Article 2 – Development Review Procedures**

Bill Cross summarized Glitches in Article 2 highlighting changes made to Art. 2.A.1.D.1.c., Board of Adjustment to clarify those articles/sections from which the Board of Adjustment cannot grant variances.

A motion was made by Joanne Davis and seconded by Maurice Jacobson to approve Article 2 glitch changes. The motion passed unanimously.

### **3) Article 3 – Overlay and Zoning Districts**

Bill Cross summarized all glitches in Article 3 highlighting changes made to Article 3.B.11.A, Purpose and Intent, to be consistent with the Comp Plan.

A motion was made by Maurice Jacobson and seconded by Martin Klein to approve Article 3 glitches. The motion was passed unanimously.

### **4) Flood Damage Prevention Ordinance**

Ronald Holt – Director of Building explained that people who own homes are required to buy flood insurance.

FEMA advised that PBC requirements were not up to date. The Ordinance has been rewritten to provide for the updated requirements.

Building Division is maintaining and rewrote the Ordinance. It made more sense for Building to monitor the Flood Ordinance since they deal with new construction, permits etc.

The old Ordinance only addressed the flood areas. PBC has 497 subdivisions that were recorded before the drainage system was implemented.

Expand a definition of FEMA areas and lots platted into buildable lots.

The Acreage is outside the FEMA flood zone.

Floor elevation should be 18 inches above the road surface.

Amendments to the Ordinance before the LDRAB Board on May 13, 2004 as follows:

**Page 26 lines 16-17 shall be amended as follows:**

Stipulation that no earth fill is to be placed on a lot without a permit. Health Department has advised the Building Department that the former does not issue any permits related to this matter. A. Ronald Holt wishes to delete all of line 16 and first three words of line 17.

Limitation of amount of fill you can place on a site. Fill can be up to 6 inches. If you want more fill you need to add to the radius around the property.

Wes Blackman - asked which article the Flood Ordinance was going to be placed in.

Jon MacGillis advised that this is still under discussion. The Flood Ordinance may be inserted into Article 5.

David Carpenter asked if there are any existing properties with no regulations to build house below level. Will the new Ordinance make some properties uninsurable. Must meet the flow elevation.

Ronald Holt advised that a commercial building can have a slab below water level as long as there is a drainage for the water to drain off the property.

Frank Palen advised that FEMA is not in unincorporated area of PBC.

Ronald Holt advised there were two types of flooding:

Velocity – storm rolls in off the ocean

Slow rising – slowly floods the land, (high tide, hurricane). The Building Department has some complaints last hurricane that ground becomes so saturated – septic system could not handle it.

Ronald Holt advised that the area storm drainage systems is not addressed in Flood Ordinance.

Barbara Katz questioned whether a developer is required to make all properties the same level to avoid flooding on the adjacent properties.

Ronald Holt advised that If the site is raised 6 inches above level, FEMA can take them out of flood zone.

Steve Dechert: If the standard is 18 inch from the road. What about the Acreage which is mostly dirt roads.

Gentry Benjamin advised the following amendments to the Flood Ordinance:

Page 13, Section 7A, lines 4 and 5 being amended to read: “This Ordinance shall apply within the unincorporated areas of Palm Beach County”.

Page 13, line 16 Flood plain change to “Flood” be deleted administratively.

Page 14 lines 7-15 placing an emphasis on Code Enforcement instead of instituting suit. The cost of filing suit is \$250.00 and the most monies that can be recovered is \$500.00.

**Page 14 of the Ordinance has been amended as follows:**

Violations of this Ordinance or failure to comply with any of its requirements, including violation of conditions and safeguards established in connection with grants of variances shall be enforceable pursuant to the Code Enforcement Procedures established in Chapter 162, Parts I and II, F.S., as amended or replaced and Article 10, Chapter A, of the Palm Beach County Unified Land Development Code. Each day such violation continues shall be considered a separate offense. Nothing herein contained shall prevent the Flood Damage Prevention Administrator or Palm Beach County from taking such other lawful actions as are necessary to prevent or remedy any violation, including enforcement pursuant to Section 125.69, F.S. as amended or replaced. Any person who receives a conviction

pursuant to Section 125.69, F.S., as amended or replaced, for violating this Ordinance or failing to comply with any of its requirements shall, upon conviction hereof, be fined not more than \$500 or imprisoned for not more than 60 days.

Page 31, Section 12 lines 16-18. The following text is being deleted:

**“SECTION 12. PROVIDING FOR APPLICABILITY**

This Ordinance shall be applicable in the unincorporated areas of Palm Beach County, Florida.”

The remainder of the Ordinance will be renumbered.

Leonard Tylka asked why there was a need for violations and code enforcement.

Lenny Berger responded that there was a need to build to grade and permits.

Motion was made by Frank Palen and seconded by Maury Jacobson to approve Flood Ordinance with the suggested changes. The motion passed unanimously.

Ronald Holt advised that the Flood Ordinance cannot be used for building violations. Code enforcement cannot be used for building violations.

**C) Convene as the Land Development Regulation Commission.**

- 1) Proof of Publication (Note: heard out of order)

Motion made by Maury Jacobson and seconded by Barbara Katz to approve Proof of Publication.

- 2) Consistency Determinations

The Board then convened as the LDRC and Isaac Hoyos, Principal Planner of the Planning Division stated that all above glitches, text amendments and Flood Ordinance are consistent with the Comp Plan.

Motion made by Barbara Noble and seconded by Joanne Davis to approve the presented items with corrections. The motion passed unanimously.

**D) Reconvene as the Land Development Regulation Advisory Board**

Review Draft Rules of Procedure (\*Note: Item heard out of order)

Lenny Berger advised that any Subcommittee would consist of one Land Development Regulation Advisory Board member and two non-members.

Lenny Berger advised that in Article V, Subcommittees of the Rules of Procedure there would be a change in the language in "c".

Presence of least two members and one LDRAB member.

The following language shall be replaced as follows: "The presence of **at least** two members of the subcommittee, **one of whom must be an LDRAB member**, shall constitute a quorum necessary to take action and transact business".

Lenny Berger advised LDRAB to look over the option of extraordinary absences. A member can attend via telephone, but this member would not be counted to form a quorum. The member attending by phone can vote.

Lenny Berger advised in the Rules of Procedure under Article III B. the reference to Art. 17.C.2.C should be replaced with Art. 17.C.2.D. Under Article V, Subcommittee should read as follows:

"The presence of at least two members of the subcommittee, one of whom must be an LDRAB member, shall constitute a quorum necessary to take action and transact business".

The motion was made by Barbara Noble and seconded by Joanne Davis to approve Rules of Procedure. The motion passed unanimously.

Leonard Tylka advised that he will be unable to attend the June 10, 2004 meeting.

There were no public or board comments.



**E) Staff Comments**

Bill Cross reviewed the timeline for Scripps, Glitches, Public Hearing, Planning, and Flood Plain Ordinance.

Bill Cross advised the dates in timeline were for staff reference.

**F) Adjourn**

The Land Development Regulation Advisory Board meeting adjourned at 3:28 pm.

Recorded tapes of all Land Development Regulation Advisory Board are kept on file in the Palm Beach County Zoning/Code Revision office.